

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAROLYN TOLTON)	CASE NO. 1:08-cv-2588
)	
on behalf of herself)	JUDGE BOYKO
and all others similarly situated,)	
)	MAGISTRATE JUDGE McHARGH
Plaintiff,)	
)	
vs.)	
)	
COUNCIL FOR ECONOMIC)	FINAL ORDER ON CLASS
OPPORTUNITIES IN GREATER)	CERTIFICATION
CLEVELAND)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on the Parties Joint Motion to Approve Settlement and Dismiss With Prejudice (ECF #26). The Court will treat this Motion as a motion for final approval of class certification. For purposes of clarification, the Court issues two separate Orders on Class Certification and Final Approval of Settlement. In accordance with the pleadings submitted by the Parties regarding preliminary and final approval, the findings and conclusions made at the fairness hearing, and the findings and conclusions contained in the Final Order and Judgment Approving Class and Collective Action Settlement filed concurrently with this order, it is, ORDERED:

1. This case shall be shall be maintained as a class action on behalf of the following class of plaintiffs:

“Any and all persons employed by CEOGC as a family service worker at any time during the period from March 31, 2007 through and including March 31, 2009.”

2. Having reviewed the Motion which Defendant has joined and having conducted a hearing in open court on August 24, 2009, on the appropriateness of class certification and final

approval of settlement, the Court finds Rule 23(a) is satisfied because the proposed settlement class meets the requirements of: (1) numerosity; (2) commonality; (3) typicality; and (4) adequacy of representation.

3. Rule 23(b)(3) is satisfied because (1) common questions of the class predominate over questions that affect individual members; and (2) class resolution is superior to other available methods.

4. Plaintiffs' counsel, Anthony J. Lazzaro and Jason R. Bristol, are appointed as Class Counsel. Class Counsel fairly and adequately represent the interests of the Class. Moreover, Class Counsel are qualified to represent the interests of the Class, having extensive experience litigating wage and hour collective and class actions.

5. Carolyn Tolton is designated as Class Representative. Ms. Tolton fairly and adequately represents and protects the interests of the class.

6. The payment of attorneys' fees and costs to Class Counsel, and the service payment to Ms. Tolton, are fair and reasonable.

IT IS SO ORDERED:

s/Christopher A. Boyko
JUDGE BOYKO

DATED this 25 day of August, 2009.